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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,481	02/07/2001	Vlad Zaharia	60,469-034; OT-4705	4707

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EXAMINER

SALATA, ANTHONY J

ART UNIT PAPER NUMBER

2837

DATE MAILED: 10/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/778,481

Applicant(s)

ZAHARIA ET AL.

Examiner

Jonathan Salata

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 April 2002 is: a) ☐ approved b) ☒ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) Z.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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Paper No: 10
Serial Number: 09/778481
Filing Date: February 2,2001

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The drawings are objected to because the blank rectangular boxes and/or merely numbered boxes of figures 1-6 must be labeled, see 37 CFR 1.83(a). This allows identification of the drawing element without consulting the text of the specification. Correction is required.

In addition to the cab and weights, in the corrections filed 4-15-02, the sensor 40 must also be labeled.

3. Applicant is required to update references to co-pending applications. See page 4, line 21.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make

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and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The instant specification pages 6-10, merely gives examples of placement schemes for the inspection device and clearly states on page 6, lines 7-11 and page 10, lines 3-9, that the particular location for the inspection device is subject to interpretation and that "those skilled in the art will be able to take into account the various factors that indicate ideal placement of an inspection device in a particular situation". It cannot be seen how this would comprise a structural limitation or method step.

The specification seems to imply that one of ordinary skill in the art would be able to place the sensor at the most logical position rather than state the particular steps needed to determine the precise location. Only the discussion relating to figures 2A,2B discuss the steps that determine a placement of the sensor in the best available position but this would appear to be knowledgeable to of ordinary skill in the art or material that would be available in an installation manual as no steps or structure appears present in the specification.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1,2,4 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagami (4,145,920).

1) Yamagami teaches in figures 1-6, an elevator rope wear sensor.

A cab 4 and counterweight 5 are connected by rope 3 and moved over sheave 2a.

As illustrated in figure 2, the rope 3 is made of several strands.

A detector 7 determines if the rope has worn and signals by alarm 11.

The detector is placed such that nearly all of the rope is detected which would inherently include "the portion most likely to wear".

2) The detector 7 is placed on drive machine 2.

4) The detector detects nearly all of the rope 3.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagami and Saito (5,025,893).

Yamagami does not illustrate a sheave at the cab but in a machine room.

Saito illustrates the use of roping ratios other than 1:1 and teaches in the Background of the Invention that as such a sheave may be placed on the cab. As such, the detector would be placed on the cab sheave. Thus, to use known roping arrangements within Yamagami would have been an obvious engineering design choice to one of ordinary skill in the art.

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10. Claims 5- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagami and applicants admitted prior art.

Applicant acknowledges on page 4, lines 1-2, that a belt is interchangeable with rope.

As illustrated in Yamagami, the detector 7 is placed on the drive machine 2 over the sheave 2a. In detecting nearly the entire length of the rope and as a 1:1 roping arrangement, the detection of the "most likely portion" would be inherent.

11. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Uejio teaches the placement of a sensor in a wire based on the specific application. Hirama et al illustrates a similar wear detector.

A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry of a **general nature or relating to the status** of this application or **filing of papers** should be directed to the **Group receptionist whose telephone number is (703) 308-0956.**

Papers related to this application may be submitted to Group 2800 by facsimile transmission. Papers should be faxed to Group 2800 via the PTO 2800 Fax Center located at Crystal Plaza 4. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Group 2800 CP 4 Fax Center number is (703) 308-77(22 or 24).

For assistance in Patent procedure, fees or general Patent questions calls should be directed to the **Patents Assistance Center (PAC)** whose telephone number is **800-786-9199**. Assistance is also available on the Internet at www.uspto.gov.

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For requesting **copies** of Cited Art, Office Actions or the like, or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 703-306-3329 or by fax at 703-306-5515.

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Jonathan Salata** whose telephone number is (703) 308-3120. The examiner can normally be reached on Monday through Thursday from 6:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi, can be reached on (703) 308-3370.

ajs
October 28, 2002


JONATHAN SALATA
PRIMARY EXAMINER
ART UNIT 2837